

Cincinnati Bar Association
Bankruptcy Committee Minutes
Sept 20, 2016

Frank DiCesare, called the meeting to order.

1. Business Meeting: Judge Perlman's retirement was noted
A copy of O.R.C. Sec. 2329.071 was distributed- effective
9/28/16

2. Subcommittee Reports: Case briefs attached

- A. Judge Buchanan by Mike Debbeler:
No report

- B. Judge Hopkins by Brian Flick:
No report

- C. Bankruptcy Appellate Panel by Rick Jones;

In re Jackson, No. 15-8037, 2016 WL 4147641, 2016 Bankr. LEXIS 2840, _ B.R. _ (B.A.P. 6th Cir. Aug. 4, 2016) The BAP reverses Bk Court decision imposing sanctions for violation of the permanent injunction levied against an HOA that proceeded with in rem foreclosure. The BK Court established a standard that attempting to enforce an undersecured lien after discharge was an attempt to coerce payment of the discharged debt. The BAP held that a lienholder is permitted to enforce its in rem lien; there is no equity requirement.

- D. Sixth Circuit by Paul J. Minnillo;
No report

- E. Legislative Watch;
No report

- F. Judicial Liaison Committee;
No report

G. Clerk's Office ;
No report

H. Office of the U.S. Trustee;
No report

I. Chapter 13 Trustee;
Plan and rules changes are pending
Chapter 13 office will not hold meetings on cases lacking business reporting, and will instead proceed to move to dismiss on cases missing business reporting in late October, 2016.

J. CARE
No report

3. New Business

William Purtell and Ed Boll of Lerner Sampson reviewed deficiency judgments under Ohio law. Special emphasis was placed on deficiencies following foreclosure of debtors' residences, which under statutory limits collectability after two years from sheriff sale.

Next meeting is October 18, 2016 at 12:00 pm.

Respectfully submitted,
/s/ Frank DiCesare
Chair of the Committee